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14 STRAUMANN USA, LLC

15 IN THE UNITED STATES DISTRICT COURT

16 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 BRET COCHRAN,

Case No. 2:22-cv-00768-JAM-DB

19 Plaintiff,

**STIPULATION AND ORDER TO  
MODIFY THE PRETRIAL  
SCHEDULING ORDER**

20 v.

21 STRAUMANN USA, LLC,

Date of Removal: 05/05/2022  
Complaint Filed: 03/07/2022  
Trial Date: Not Set

22 Defendant.

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25 Defendant STRAUMANN USA, LLC ("Straumann") and Plaintiff BRET COCHRAN  
26 stipulate and respectfully request that the Court modify the pretrial scheduling order (ECF No. 16.)  
27 for good cause pursuant to Federal Rule of Civil Procedure 16(b)(4) as explained below.  
28 Specifically, the Parties seek to extend the discovery cut-off, and no other dates, to permit the

1 parties to focus upon and devote their resources to mediation which is scheduled for September 6,  
2 2023.

- 3 1. On September 9, 2022, this Court issued its initial pretrial scheduling order, setting  
4 trial for August 28, 2023.
- 5 2. On December 23, 2022, this Court granted the parties' first request to modify the  
6 pretrial scheduling order, continuing trial from August 28, 2023, to January 22,  
7 2024, and corresponding pretrial events and deadlines. (ECF No. 10.)
- 8 3. On March 24, 2023, this Court granted the parties' second request to modify the  
9 pretrial scheduling order, continuing trial from January 22, 2024, to March 25,  
10 2024, and corresponding pretrial events and deadlines. (ECF No. 16.) The current  
11 discovery cut-off is August 18, 2023.
- 12 4. In the eight months since this Court granted the parties' first request, the parties  
13 have engaged in extensive written discovery, production of documents and  
14 relevant ESI, and completed depositions of Plaintiff and three of Straumann's  
15 witnesses. In addition, both parties have served written discovery to which  
16 responses are not yet due.
- 17 5. On Thursday, August 10, 2023, the parties secured a mediation date with Brandon  
18 McKelvey for September 6, 2023.
- 19 6. The parties now request that the discovery cut-off be extended from August 18,  
20 2023, to October 10, 2023. This additional six weeks will enable the parties to  
21 focus their efforts entirely on resolving this matter at mediation on September 6,  
22 2023.
- 23 7. The parties stipulate and agree that (1) they will not serve additional written  
24 discovery requests; (2) the only depositions that will be conducted shall be the  
25 depositions of Defendant under FRCP 30(b)(6), the parties' previously disclosed  
26 experts and Plaintiff's spouse, Nicole Cochran. The foregoing depositions may be  
27 noticed for dates between September 8, 2023 and September 29, 2023; (3) each  
28 party's responses to outstanding written discovery shall be due on September 29,

1 2023; (4) the parties will request the Court to continue the hearing on the parties'  
2 respective discovery motions (ECF Nos. 29 and 30.) currently set for September  
3 1, 2023 to September 29, 2023; (5) Plaintiff wishes to depose Straumann's in-  
4 house counsel, Ambrosia Espaillat, for which Plaintiff has noticed a deposition and  
5 to which Straumann has objected and filed a motion for protective order (ECF No.  
6 30), and which will be addressed at the hearing on September 29, 2023, should the  
7 Court continue the hearing date (ECF No. 30.). Should Straumann's motion for  
8 protective order be denied, Straumann will make Ms. Espaillat available for her  
9 deposition on or before October 10, 2023; and (6) except as described in (1)  
10 through (5) above, the parties shall not conduct any further discovery after August  
11 18, 2023.

14 9. THEREFORE, the parties stipulate and respectfully request this Court modify the  
15 pretrial scheduling order, as follows:

<b>Event</b>	<b>Current Date</b>	<b>Proposed Date</b>
Discovery cut-off	August 18, 2023	October 10, 2023
Last day to file dispositive motions	October 13, 2023	<i>No change</i>
Last day to hear dispositive motions	December 12, 2023	<i>No change</i>
Final pretrial conference	February 9, 2024	<i>No change</i>
Trial	March 25, 2024	<i>No change</i>

1 IT IS SO STIPULATED.  
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3 Dated: August 17, 2023

JACKSON LEWIS P.C.

4  
5 By: /s/ Gokalp Y. Gurer  
6 Harold R. Jones  
Gokalp Y. Gurer  
7 Attorneys for Defendant  
STRAUMANN USA, LLC

8 Dated: August 17, 2023

9 CASTLE LAW: CALIFORNIA  
EMPLOYMENT COUNSEL, PC

10 By: /s/ Daniel E. Richardson  
11 Timothy B. Del Castillo  
Lisa L. Bradner  
12 Daniel E. Richardson  
13 Attorneys for Plaintiff  
BRET COCHRAN

14 **ATTESTATION**

15 I, Daniel E. Richardson am the ECF user whose ID and password are being used to file this  
16 Stipulation. In compliance with the rules for ECF and the Eastern District of California, I  
hereby attest that all of the above signatories have concurred in this filing.

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**ORDER**

Pursuant to the parties' stipulation and good cause appearing, the pretrial scheduling order (ECF No. 16) is **MODIFIED** as follows:

Event	Date
Discovery cut-off	<b>October 10, 2023</b>
Last day to file dispositive motions	As previously scheduled, <b>October 13, 2023</b>
Last day to hear dispositive motions	As previously scheduled, <b>December 12, 2023, at 01:30 p.m.<sup>1</sup></b>
Final pretrial conference	As previously scheduled, <b>February 9, 2024, at 10:00 a.m.</b>
Trial	As previously scheduled, <b>March 25, 2024, at 09:00 a.m.</b>

All instructions contained in the September 08, 2022, Pretrial Scheduling Order (ECF No. 7) and all other dates contained in the March 23, 2023, Order modifying the Pretrial Scheduling Order (ECF No. 16) shall remain in effect. Counsel **SHALL** contact Judge Mendez' Courtroom Deputy, M York, via e-mail at [myork@caed.uscourts.gov](mailto:myork@caed.uscourts.gov), prior to filing a stipulation and proposed order to continue the dates set forth in the Order modifying the Pretrial Scheduling Order and this order.

**IT IS SO ORDERED.**

Dated: August 23, 2023

/s/ John A. Mendez

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THE HONORABLE JOHN A. MENDEZ  
SENIOR UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Calendars are subject to last minute changes. Contact the Courtroom Deputy for available dates.